

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

Information and Correspondence

RELATING TO

The Treaty with Spain for the Cession of the Floridas,

NOT HERETOFORE COMMUNICATED;

Rendered in compliance of a Resolution of the House of Representatives of the 11th
of December, 1823.

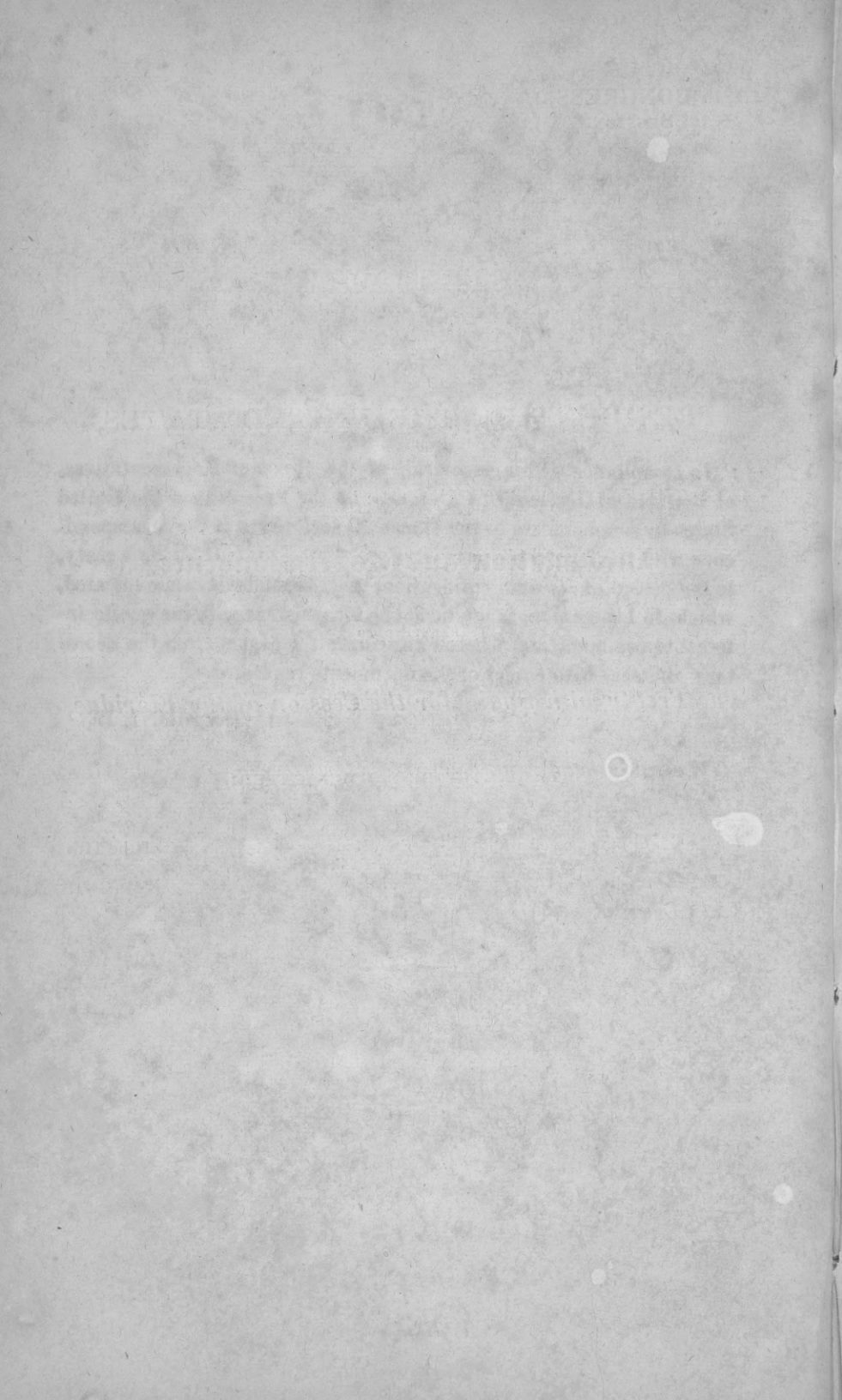
FEBRUARY 2, 1824.

Read, and ordered to lie upon the table.

WASHINGTON:

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1824.



To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives, of the 11th of December last, requesting the President of the United States to communicate to the House all such parts of the correspondence with the Government of Spain, relating to the Florida Treaty, to the period of its final ratification, not heretofore communicated, which, in his opinion, it might not be inconsistent with the public interest to communicate, I herewith transmit a report from the Secretary of State, with copies of the documents requested.

JAMES MONROE.

WASHINGTON, *February 2d*, 1824.

DEPARTMENT OF STATE,

Washington, 26th January, 1824.

The Secretary of State, to whom the resolution of the House of Representatives of the United States, of the 11th of last month has been referred, requesting the President to communicate to the House all such parts of the correspondence with the Government of Spain, touching the Florida Treaty, to the period of its final ratification, which have not yet been communicated, and which, in his opinion, it may not be inconsistent with the public interest to communicate, has the honor of reporting to the President copies of the papers desired by that resolution.

JOHN QUINCY ADAMS.

List of Papers sent to the President of the United States, with a Report from the Department of State, of 26th January, 1824.

1. Mr. Forsyth to Mr. Adams, (marked private) 22d August, 1819.
2. Same to same, do extracts, 28th Jan'y, 1820.
3. Same to same, (No. 12) extract, 15th Feb'y, ..
4. Same to the Duke of San Fernando & Quiroga, 27th Jan. ..
5. Same to Mr. Adams, No. 15, 30th March, ..
6. Mr. T. L. L. Brent, acting as Chargé d'Affaires at Madrid, to Mr. Adams, detailing the substance of a conversation with Mr. Jabat, (extract) } 27th April, ..
7. Mr. Forsyth to Mr. Adams, No. 18, (extract) 20th May, ..
8. Same to same, No. 19, do 13th July, ..
9. Same to same, (marked private) do 30th
10. Same to same, do extracts, 27th Aug. ..
11. Same to same, No. 20, extract, 21st Sept. ..
12. Same to Don Evaristo Peres de Castro, } Secretary of the Despatch of State, &c. } 21st July, ..
13. Mr. De Castro to Mr. Forsyth, (translation) 25th
14. Mr. Forsyth to Mr. Adams, (marked private) 21st Sept. ..
15. Same to same, do 5th Oct. ..
16. Same to same, No. 21, 11th
17. Mr. De Castro to Mr. Forsyth, (translation) 6th
18. Mr. Forsyth to Mr. De Castro, 7th
19. Mr. De Castro to Mr. Forsyth, (translation) 9th
20. Mr. Forsyth to Mr. De Castro, 10th
21. Mr. De Castro to Mr. Forsyth, (translation) 11th
22. Mr. Forsyth to Mr. De Castro,
23. Same to Mr. Adams, (marked private) 12th
24. Same to same, do 15th
25. The Spanish Minister to the Chargé d'Affaires of Russia, at Madrid, (translation) }
26. Mr. Forsyth to Mr. Adams, No. 22, (extract) 24th
27. Same to Mr. De Castro, 17th
28. The Minister of Spain to Mr. Forsyth, } (translation) } 24th
29. Order of the King of Spain for the delivery of the Floridas, (translation) }
30. Mr. Adams to Gen. Vives, 28th Feb. 1821.

Extracts of a letter from Mr. Forsyth, marked private, to Mr. Adams, dated Madrid, August 22, 1819.

“The duplicates of my despatches by the *Hornet* not having been forwarded before this, I deem it unnecessary to send you the extract of that part of my private journal, a copy of which was transmitted with my former letters. To the information contained in my official letter of this day’s date, I have little to add of much importance. The most interesting fact I am able to communicate is, that the affair of the grants is not the sole, or the principal difficulty, with this government. After receiving Mr. Salmon’s note of the 10th instant, and ascertaining from Duke Laval, that this government expected me to insist on the king’s agreeing to receive Mr. Onis’s declaration, or to make one of his own, I gave information to the duke, with the expectation, and belief, that he would communicate to the government, and to the parties interested, that this was a mistake. I had no instructions to insist upon either. We expected the king might offer it; but, if he did not, the treaty was already ratified by the United States, and the act could not be recalled. To produce a good effect, I said, also, that the mistake about the grants must be corrected, if the business should be (what was altogether improbable) settled amicably in the United States. The only hope of the grantees was, to have the exchange of ratifications made here. Relying upon the correctness of the information received here, of the date of Puno Rostro’s and Alagon’s grant, and the opinion that the cedula was the first valid act of the concession, and, of course, the date of the grant must be the date of the cedula, I intimated to Mr. Salmon that the difficulty in regard to the donations could be obviated here. His reply was, that there were other points upon which the king wished explanations. What these are, I have collected from other sources. The first and great object in view, is to procure an assurance, that we will not recognize Buenos Ayres, &c. The extreme pertinacity and anxiety on this subject, has its origin in the disclosure made by Great Britain, of the conversations between Mr. Rush and Lord Castlereagh, on the contemplated reception of a consul general, to reside officially in the United States, from the provinces of La Plata. This disclosure has done us no good. Sir Henry Wellesley, to whom, on his stating that he was endeavoring to promote our objects here, I remarked that I considered much of the difficulty of our affair was imputable to this cause, gave a very plausible answer; of its truth I am sceptical. He said the object was, to shew to Spain the absolute necessity of a settlement of our differences with her. Whatever was the motive, the effect has not been happy. The instructions to Onis were given before this disclosure was made; it was not useful in producing those instructions; and it is equally clear, from the

conduct of Spain, that it has not had the effect of inducing her to ratify what her minister, under these instructions, promised in her name. Sir Henry Wellesley has at all times held very reasonable language, and friendly, in relation to this affair; and, since the above conversation, he has certainly taken some pains to promote our wishes. He tells me that he sent a message, by a confidential agent, to the Duke of Infantado, who had urged the argument, that Great Britain ought not to be irritated by the cession of Florida to us; that he was entirely mistaken, in supposing Great Britain adverse to the ratification of the convention, and that he had directions from the British ministry to press the ratification. He told Salmon, that Spain would hazard much by refusing it, and that the object she had in view could be better accomplished by ratifying immediately. After the determination of this government was known—and it was known immediately—he conversed with me, and wished me to believe, that it was all imputable to the dispute about the grants. I said this could not be, as the government must know, that the king, having it in his power to accept or reject Onís's declaration, he could throw upon us the burthen of refusing the exchange of ratifications. He then asked if the affair of the grants could be got over here. For the reasons stated in the first part of this letter for my disclosures to Laval and Salmon, and believing myself justified by my instructions, after the receipt of the letter of the 10th of August, I replied I was confident they could be. He proposed to me to permit him to engage Tatischeff, the Russian minister, whose influence, and means of communicating with the government, are said to be superior to all the rest of the corps diplomatique, to have this suggestion communicated to the king. To this I consented: but, as I thought it would be better, if Tatischeff did any thing, to procure his good offices by an immediate application, I apprised him of this conversation. He was very friendly in his expressions, personally believed the ratification necessary and proper for Spain, and, certainly, the policy of Europe required it to be done. Sir Henry and Tatischeff had a similar conversation, and the suggestion was made. The next time I saw the Russian minister, he said, if you can give assurances that there will be no recognition of the South American governments, the treaty will be ratified. I replied, if that is the case, there will be no ratification. I had previously furnished Duke Laval with a memorandum on this topic, which, after keeping twenty-four hours, and, I have no doubt, shewing it to Lozano Torres, who is supreme here, he returned it to me. The substance of it was, that the system of the Government was an impartial neutrality; it had been adhered to when we had, in our differences with Spain, the most powerful inducements to abandon it; that, when these differences were settled, there could be no inducement to change it. If Spain desired us to remain stationary, in the dispute with her colonies, the first step to secure her object was to ratify our treaty, then to consult our wishes, and so to shape her policy as to inspire a sentiment of good will, powerful enough to counteract the prepossessions naturally entertained for the people of

South America by the people of the United States. This was the rational mode, and, in fact, the only mode of reaching her point. To refuse our treaty, and ask, as a condition of it, that we would not recognize, was the certain way to disappoint their wishes. The Government would not consider such a proposition. This memorandum I shewed to Tatischeff. He said what it contained was true and just, but there was no reasoning with ignorance and presumption. I did not hold any of these conversations until after the note of the 10th was received; and I was careful to express the desire, that these gentlemen should do what was done, not with a view to our interest, but to prevent Spain from injuring herself, and endangering what is termed the pacific policy of Europe.

“On the whole, I am impressed with a belief, that they will propose to exchange ratifications in Washington, with the insertion of a promise not to recognize the Patriot Governments, and to preserve the grants. The latter will be as a dernier resort, given up as the price of the first. Without this, or something equivalent, we may do ourselves justice; they will not.”

Extracts of a letter from Mr. Forsyth, marked private, to Mr. Adams, dated 28th January, 1820.

“General Vives left this place on the 25th, for Paris, on his way to Washington. He went post to France, and I am informed is directed to remain as short a time as possible in Paris. He goes to England to embark for the United States. The alteration in his mode of travelling, and the directions he has received not to delay, give me some hope that he will arrive in America time enough to prevent the necessity of doing that without the consent of Spain which the American Government prefers to do with her consent.”

“I send this by the way of Gibraltar, that the earliest notice may be had of General V’s movements. In the course of the coming week I shall write officially, and enclose a copy of my answer to the Duke of S. Fernando’s last note, written to inform me of General Vives’s appointment.”

Extract of a letter from Mr. Forsyth, No. 12, Minister Plenipotentiary of the United States in Spain, to Mr. Adams, Secretary of State, dated Madrid, 15th February, 1820.

“By the return of Lieutenant Weaver, who came to this place yesterday, with a letter from Captain Stewart, I have a convenient opportunity of sending, enclosed, a copy of my last note to the Duke of San Fernando, No. 1, dated the day after General Vives left Ma-

drid. It was written in conformity to what I believe, from the message at the opening of Congress, to be the wishes of the President. If, in this, I should unhappily be mistaken, the affair stands in such a state that I can, at any moment, correct the error. Having informed this Government that I only *detain the remonstrance*, I can at any moment present it, if directed so to do, or if I shall be satisfied that the King has not given such authority to General Vives as will render unnecessary a recurrence to this disgraceful business."

Mr. Forsyth to the Duke of San Fernando and Quiroga, first Minister of State, 27th Jan. 1820.

MADRID, January 2^d, 1820.

SIR: I have had the honor to receive your Excellency's officio, of the 16th December, giving me notice of the appointment of the Marriscal de Campo Don Francisco Dionisio Vives, as Minister Plenipotentiary of the United States. According to the request of your Excellency, I communicated, by the first convenient opportunity that occurred, a copy of your note to the American Government.

The appointment of the Minister Plenipotentiary has been so long delayed, his departure so much procrastinated, his route to the United States is so circuitous, and his movements are so deliberate, that I very much apprehend he will find, on his arrival, the determination, before now taken by the American Government, executed. His Catholic Majesty may be assured, by your Excellency, that, should this be the case, the American Government will, nevertheless, governed by that temper of conciliation which has at all times marked its policy, give any explanations which may, in the spirit of amity, be asked, in the name of the King.

Your Excellency views it as superfluous to continue discussions here of the points of the transaction with which his Majesty's Minister goes charged, and as likely to embarrass the course of the direct negotiation. As to the future, I have to inform your Excellency that I have no directions to discuss any of those points; and certainly I have received, here, very slender encouragement voluntarily to encounter them. My duty, in regard to the convention, was terminated when I had the honor to send you the remonstrance of the 18th of October, which has given rise to an unpleasant question between us. From circumstances, *well known to your Excellency*, I understand that the observations quoted, have reference, also, to that question. With this understanding, I give you the strongest proof in my power of my anxious desire to promote harmony between the two nations, by taking upon myself the responsibility of having so long withheld the return of the remonstrance, and in determining, still longer, to retain it in my hands. I do this with the confident expectation that the justice of his Catholic Majesty has, in

the powers given to General Vives, rendered a further recurrence to that unhappy affair altogether unnecessary. While I give to your Excellency this proof of my wishes to conciliate, I must repeat that I hold it as *unquestionably my right* to have that paper, or any other I may deem it necessary to send, laid before your Excellency's Royal master, for his perusal and consideration; holding myself responsible to my own Government only, for the language in which it may be expressed, or the sentiments it may contain.

I renew to your Excellency the assurances of my profound consideration.

JOHN FORSYTH.

*His Excellency the Duke of San Fernando and Quiroga,
First Minister of State, &c. &c. &c.*

*Extract of a Letter from Mr. Forsyth to Mr. Adams, No. 15,
March 30, 1820.*

"Soon after the change of Government was officially made known to me, I determined to see the Duke of San Fernando, respecting our affairs, to learn if the powers given to Vives were such that no bad effect would be produced by the recent events upon the relations of Spain with the United States, and to endeavor to procure, in this season of generous feelings, the release of the Americans in confinement. Waiting a few days for the first bustle to be over, the Duke was removed from office, and a further delay unexpectedly occurred. As the new Secretary was not expected for some time, on the 27th I asked, by written note, for an interview with Mr. Jabat, who had charge of the office. It was appointed for the 29th. I saw him at the time fixed, and had a very long conversation with him. I stated the objects I had in view. He answered with great frankness. The substance of what I learned from him, is, that General Vives did not carry the Treaty ratified by the United States: that the King, having taken the oath to observe the Constitution, could not now ratify: that instructions had been just prepared for General Vives, to apprise him of the change that had taken place, and of the want of power in the King to act further in the business; the whole matter would be laid before the Cortes, and the Minister had no doubt it would be arranged to the mutual satisfaction of the two governments, as the Cortes would, probably, be composed of the most liberal and enlightened men of the nation: men, who had the disposition, the ability, and the courage, to give and to act upon good counsel. He spoke of the resemblance of the institutions of the two nations, and of his anxious wish to see them on the best terms. Of the American prisoners he professed a desire to do what would be agreeable to us, and would bring the subject before the King. For this object, it was agreed upon between us, that I should address him an official note; a copy of it, marked No. 6, is enclosed. It was prepared immediately after the interview, and sent

on the 30th. Mr. Jabat asked me, in turn, what would be the determination of our Government in this new state of things? I replied, that I was exceedingly disappointed to learn that General Vives had not the ratified treaty to exchange in the United States; that I apprehended his going without it would produce a very bad effect, and that I had no doubt there would be an immediate occupation of Florida, as recommended by the President to Congress; that we had always the strongest desire to be friendly with Spain—a desire which recent circumstances would encrease. I was perfectly aware that the King had now no power to ratify, and trusted, with him, that every thing would be arranged satisfactorily when the Cortes assembled. In the mean time, I hoped that no unpropitious effect on the dispositions of this Government would be produced by the measures we should have been reluctantly compelled to take. I expressed the greatest satisfaction at the prospect of a favorable answer to the application in favor of the confined Americans, and assured him it would be considered as a conclusive proof, on the part of Spain, of a desire to do us justice and kindness in all things. The revolution will produce the best effects for us, if a judgment is to be formed from the language of the people in office, and of those out of office. The Government of the United States is considered, with reason, more friendly to them than any other. The European Governments, without exception, see in the change which has been produced here, a dangerous example to their people, and speculate, with dread, upon its probable effect. I had supposed that the influence of Great Britain would be very great under the new order of things. At present, there is a very wholesome jealousy and prejudice against that Government, existing among the people, and carefully cherished by the ruling men: It is to be traced, in part, to the conduct of the English on the return of the King from his captivity. They were supposed to have had some agency in preventing, at that time, the King's acceptance of the Constitution. The language used here is, there are but two free nations—the Spaniards, and the people of the United States; the English were free, but have been recently enslaved by their Ministry and Parliament. I hope that, before General Vives receives and communicates to the President the change in the Government, that Florida will be occupied by us, or, at least, that Congress will have passed a law in such terms as to render it obligatory upon the President to take it. Delaying to take it until the news is received of the establishment of a free government, and liberal institutions here, might be injurious: at present, every body here expects it will be seized, and the event will have no bad effect, unless it can, by misrepresentation, be made to appear the consequence of the recent events in Spain. It is important that Florida should be in our possession when the Cortes deliberate on the Treaty. The defect of granted authority, in that body, to cede territory, was not adverted to by Mr. Jabat, and has, probably, escaped notice. The general assertion, that the sovereignty resides essentially in the nation, which is represented by the Cortes, would, no doubt, be considered sufficient when the territory was held

by us; it might admit of dispute if it was not. You will perceive, that two deputies from Cuba and the Floridas are to be in the Cortes. Before July I hope to receive from you particular and special instructions on this, and all other subjects connected with our interests. During the Cortes, would be the most favorable time for a commercial arrangement, if one is to be made here, and I indulge the belief, that should, as is probable, the business of Florida be amicably arranged, an advantageous commercial treaty may be formed. I look with anxiety for directions from you, formed upon the determination Congress may have made."

Extract of a letter from Mr. Thomas L. L. Brent, acting as Chargé d'Affaires at Madrid, containing the substance of a conversation between him and Mr. Jabat, 27th April, 1820, to Mr. Adams.

"He (Mr. Jabat) then adverted to the bill reported by the Committee of Foreign Relations to the House of Representatives, for the occupation of Florida; and asked me if I had received instructions to give any explanations on the subject. He intimated, that, if we did not extend our views farther than its occupation, every effort would be made to preserve amicable relations with the United States, every sacrifice, consistent with a due selfrespect; but, that the United States ought not to expect Spain would go any farther. Now that this had become a representative government, they would be under the necessity of examining, with more scrupulous attention than ever, every act of theirs which could, in any degree, compromit the just pride and dignity of the nation. I told Mr. Jabat that I had no instructions on the subject. I only knew, I said, from the public papers, that such a bill was before Congress; and, consequently, did not feel authorized to give any explanations. That, as soon as I received, I would make them known to him. I begged him to tranquilize himself. I said I hoped that, with such dispositions as were manifested by the new government, and the corresponding sentiments of mine, that every thing would finally be amicably arranged; and that matters might be so managed, as that the steps which the United States may have thought it necessary to take for the assertion of their rights, might be made reconcileable with the pride of his government: steps which they will have been compelled to resort to, from the conduct of the former administration of his government, and the measures of the old system. It may be proper to notice, that this minister was evidently under an apprehension, that the United States might not limit themselves to the occupation of the territory of Florida alone. In the course of the conversation, Mr. Jabat said, that, as there would be opposition, blood might be spilt in the occupation of Florida; and the idea of it, seemed to give him great pain. Mr. Jabat's manner, during the whole of this interview, was mild and friendly, and mine corresponded to his."

Extract of a letter from Mr. Forsyth to Mr. Adams, No. 18, dated 20th May, 1820.

“By the Gibraltar mail of the — instant I received the duplicate of your No. 11. You will herewith receive copies of Mr. Jabat’s letter, giving notice of the birth and title of the son of the Infante Don Francisco de Paula, and my answer.”

“On the 12th, I paid the minister a visit, at the office of state, and, as I expected, he inquired if I had any recent advices from America. I stated to him, very frankly, that I had received nothing but the permission from our government to return to the United States, which, from a belief that it would be most agreeable to the President, I should not use until after the celebration of the Cortes. He professed to be much gratified by this determination, which he thought was calculated to promote that good understanding between our respective governments, to secure which, was the object of our mutual wishes. From this the conversation naturally turned to the unofficial notices from the United States, and particularly to the report of the committee on the affairs of Florida. He did not appear to apprehend that we should do more than occupy the territory; but he expressed a great deal of dread lest there should be blood shed in effecting that object, and carrying into effect the act proposed by the committee. As I had been told, as stated in my No. 17, that some uneasiness was felt on the first point, I thought it prudent to shew him that, with the dispositions now entertained in Spain, there was no reason to fear that we should be disposed to go beyond the limits of the treaty of February, 1819. He would recollect, that the only motives we could have, were to procure satisfaction for the injury sustained by the delay of Spain to ratify the treaty, and compensation for any deficiency in the fund for the payment of our citizens, occasioned by the mistake of Mr. Onis, about the date of the large grants. On the first, I was sure a reasonable explanation would be deemed sufficient; on the second, there could be no difficulty, as the abandonment of all pretension in favor of the grantees, was more necessary to the character of Spain, than it was important to the interests of the United States.”

“I did not suppose there was much ground for the fears he seemed to entertain, of a formidable resistance to the occupation of Florida; nevertheless, as he was seriously apprehensive, I suggested that the President would, no doubt, employ a force so powerful, that resistance would be hopeless, and I presumed the good sense of the Spanish authorities would prevent them from making a useless sacrifice of the lives of the soldiers committed to their care. It was obvious, from the conversation of Mr. Jabat, that the seizure of the territory was anticipated, and that the only fear really entertained, was that the mode of occupation would impose an obligation on the present rulers to make a noise about it. The interview terminated by a renewal of the assurances formerly given, of the desire of the government to es-

tablish a permanent friendship with us, and with the hope, reciprocally expressed, that nothing might occur to render it difficult. On the 15th, I received a note from Mr. Jabat, copy enclosed, inviting me to see him the next day, at eleven. I saw him at the hour appointed, and his first question was, Have you any thing from Washington? To my reply in the negative, he said, then I shall have the pleasure of giving you very recent advices from that place. He shewed me a despatch from Mr. Serna, of the 28th of March, enclosing copies of the President's message to the House of Representatives, of the 27th, and of the documents accompanying it. Mr. Jabat was highly gratified; said nothing could have occurred more favorable to the future amity of the two nations; that he had shewn these papers to the King, who was pleased both with the measure proposed, and the reasons offered for it by the President. Mr. Jabat did not omit to suggest, *what I knew perfectly well, that the accomplishment of the expectations of the President, would have to be imputed to the recent revolution in Spain.* He explained to me what I did not understand in our previous conversation, the foundation of his fears of a formidable resistance in Florida. It seems the ports of the territory had been reinforced from Cuba, and the Governor General of that Island had given official notice of it to the Secretary of State. Joining with the Spanish Secretary in his expressions of satisfaction, I suggested the hope, that General Vives would not arrive until after the adjournment of Congress, as it was impossible to foresee what might be the effect produced by his arrival, without competent power to meet the just expectations of the American government. I did not fear any ill consequences, if news of the revolution in Spain should reach Washington before a determination was taken. I was confident, that, irritating as this want of authority might be, that the President would be disposed to give to the King of the Spains proofs of the moderation and good will which had distinguished the conduct of the United States to the King of Spain. Taking the time at which Congress has usually adjourned as the criterion, I supposed that General Vives would scarcely see Washington before the adjournment of the legislative body. I have since learned, from our newspapers, that Congress would have continued its session until the beginning of this month, and that General Vives reached New York on the 5th of April. I now hope that Mr. Hackley, who carried my despatches of the 9th March, and who left the Straits of Gibraltar about the 27th March, will be in the United States within a short time after the arrival of the Spanish Minister. In the present state of things, nothing could be more auspicious than the proposed delay of acting against Florida, although the President will have perceived, from your first communications with General Vives, that, but for recent events, we should have given another proof of useless forbearance, if the utility of forbearance was to be estimated by the good effect it would have produced on the government of Spain. Mr. Jabat proposed to me to see the King at the circle that day—a ceremony I have not thought it necessary to observe since the postponement of the ratification of the

treaty. Always, however, replying politely to the notes sent on particular occasions, and once calling at the Palace when the King was ill, I had resolved to renew these visits of ceremony, immediately after the liberation of the Americans, prisoners in Spain, and, therefore, the more readily acceded to this proposal. I attended the circle with the diplomatic body, and was received, as I had been taught to expect, perfectly well, and as if there had been no interruption in my visits to it."

Extract of a letter from the same to the same, No. 19, dated 13th July, 1820.

"A few days after the arrival of the Minister of State, Perez de Castro, I called at his office to see him on our affairs. I stated that the time for the meeting of the Cortes was near at hand, and I was desirous to know what was proposed by this Government to be done. He declared himself to be unable to converse on the subject of the negotiation with the United States. He was not master of the correspondence, and that his numerous and pressing engagements had rendered it impossible for him as yet to become so. He was examining and hoped to speak advisedly on it in a short time. I gave him a translation of the remonstrance of the 18th of October, to apprise him of the state of the dispute in relation to the 8th article of the treaty, not officially, but as a document for his own examination, telling him that I did not conceive it necessary, from the disposition manifested since the revolution, to make an official representation on this subject. He received it very willingly. He had seen, as he stated, in the foreign newspapers, that it was asserted by the American Government, that the treaty was obligatory upon Spain, although not ratified; this position he could not consider as founded either in the opinion of the best authorities, or in the usages of nations. I explained to him that we considered the treaty obligatory *in justice and in honor*, as if ratified by Spain. As no satisfactory reason had been, or, as we believed, could be, given, for the refusal to ratify, there could be no question as to our right to resort to any measure we deemed proper to obtain satisfaction. The least we could do was to execute the treaty; and when we gave to Spain all the advantages she could derive from it, we should take from her all just cause even to complain of the course pursued. He spoke a good deal at large of the charge of bad faith which was urged against Spain, and said she had no motive of avarice or ambition to gratify in her negotiation with us; and, if her policy required her to procrastinate, this was no reason to charge her with ill faith. To all this I answered that the systematic procrastination, although at all times vexatious, had never been urged as a proof of bad faith; it was the non-compliance with engagements actually made by persons duly authorized and empow-

ered by this Government. That, if the avarice or ambition of the Government was not known in the negotiation, that of individuals who had possessed influence in Spain was but too visible. I saw him again after ten days. He had run over the whole correspondence; talked of the treaty of 1802; the proposals of Mr. Pinckney; the guarantee of the Spanish American dominions, as an inducement to cede Florida; in short, of all that had passed prior to the convention of 1819; of the losses Spain had sustained; and of our gains. I listened patiently to all he had to advance; when he had finished, I replied that we had gained nothing from Spain; if her arrangement with another power was matter of regret, it was not our fault. What we had obtained, was purchased and paid for. That I had no instructions from the President since August, 1819, and therefore could not speak certainly of what might be the wish of my Government; but, that it appeared to me, it would be better for Spain, at the present juncture, not to look beyond the treaty of 1819, but to consider what obligations were imposed upon her by it, and by her as yet unexplained refusal to ratify it. He did not seem unwilling to adopt this idea, and entered into a short examination of the conduct of the United States, in the dispute between the colonies and Spain; the expeditions fitted out by Miranda, Mina, &c. &c.; of the patriot privateers, &c. &c. I replied that we had done all Spain had a right to expect from us. That, determining to be neutral between the contending parties, we had taken every means necessary to preserve that neutrality. If the laws of the United States had been sometimes violated with impunity, it was what had occurred, and would occur in all nations, by the escape of persons who had committed offences. That all reclamations founded upon them by causes of complaint, were removed by the convention, &c. Previous to this conversation, I had seen, in the English newspapers, the President's Message to Congress, of the 9th April, headed by a sort of abstract of your correspondence with Gen. Vives, in which it was stated that this Government had not asked explanations of me relative to the treaty, because of my intemperate conduct. I remarked to the Minister that this was not the fact. Explanations were not asked of me, because, anticipating what would be required, I had given the ministry to understand that, upon the subject of the dispute with the colonies, I had no explanations to give, and that it was informally made known to me, before the 22d of August, that I could have the convention if I was authorized to promise that the Government of the United States would not recognize the independence of any of the patriot governments. He said he had read the note I had given him, and those previously written, and that there were expressions stronger than he had ever met with in diplomatic correspondence, but he supposed they were written when I was a little warm. I questioned whether he had ever met with a similar case in the history of diplomacy, and that I was not a little warm, but indignant, at seeing the character of a great nation, and its peace, and that of my own country, put in jeopardy for the sake of, and by the intrigues of, selfish individuals. As the Minister had

not seen the message, I promised to procure and send it to him. He was not prepared to say what course would be recommended to the Cortes, upon whom every thing depended. I pressed upon him the necessity of doing what was done promptly. He was satisfied of the importance of doing so, and promised to let me know the determination of the ministry as soon as it was made. At parting, he referred to the assistance received from Spain during our Revolutionary war, which he said we ought not to forget. The reply was, we never forget when you permit us to remember it. I met the Secretary of State at dinner on the same day, at the English Ambassador's. He told me he had received that morning, from General Vives, despatches, the President's Message, and the correspondence sent with it to Congress. He had not yet had time to read them attentively, but appeared to be pleased with what he had seen in glancing over the papers. On the 4th of July, Mr. De Castro dined at my house, and brought with him a copy of the Message and correspondence, which he left with me, to be returned, as he had but the one copy. On the 6th, the Cortes was installed; Espiga chosen President, a priest, but one of the most liberal; and Quiroga Vice President. I was in the tribune prepared for the diplomatic corps during the votation, and went from it to the office of Mr. De Castro, to restore to him the documents he had loaned me. He was just going to the King, and had but a few moments to converse with me. In these few he said he thought that the President did not look beyond the ratification of the convention, the grants being set aside, and there could be no difficulty about them. It was his opinion that this should be done. I do not say, he continued, it will be done; that depends on another body; but it is my opinion that it will be. What say you, he asked: will this be satisfactory? I reminded him that I had no instructions; hoped to receive them. I could give him only an opinion in turn. Judging from the correspondence and message, I saw no sufficient reason to change the opinion already given to Mr. Jabat, that the ratification of the treaty, accompanied by satisfaction for the injury caused by the delay, would be accepted by the United States. I was present at the session of the Cortes on the 9th. The oath required by the constitution was taken by the King, in due form, and an address made to him by the President. The King said a few words in reply, and then read his speech. Copies furnished by the Department of State are enclosed, as also copies of the answer of the Cortes, prepared by a select committee appointed for that purpose. The answer to that part of the King's speech, which refers to the dispute with the United States, is marked by the introduction of a very emphatic word. The King says 'although the complication of various circumstances has not permitted as yet the adjustment of those differences, (with the United States and Portugal) I hope that the justice and moderation of the principles which direct our diplomatic operations, will produce a result decorous to the nation, and agreeable to the pacific system, &c. &c. of Europe.' The answer is, the 'Cortes only regret that there exists differences with

the United States and his most faithful Majesty, but the principles of moderation that will direct *now* our diplomatic negotiations, give hope to the Cortes that they will conclude in terms, which, being a termination decorous to the nation, may not interrupt the pacific system &c. &c. of Europe.'

"On the 11th, the Minister of State read his report to the Cortes, and gave them an account of the state of the dispute with the United States. I was not present; a very imperfect account of it is published in the newspapers. I hope to procure it to send with this despatch; as also a very interesting report of the Minister for the Government of the Peninsula, Augustin Arguelles."

Extract of a letter from the same to the same, marked private, 30th July, 1820.

"On the 22d, I wrote to Mr. de Castro, to say to him, that the President would accept the treaty of 1819, subject to the advice and consent of the Senate, if immediately ratified by Spain. Had the Secretary of State been in Madrid, after what has occurred in our conversations, I should only have stated to him verbally what I had been instructed to say; but, as the time of his stay at Sacedon was uncertain, I thought it better to write than to ask an interview at that place, as the latter might be imputed to an anxiety on the subject I was instructed not to discover. His answer is of the 25th, and is perfectly satisfactory. He has the commands of the King 'to bring the business of the negotiation immediately before the Cortes, and is using all exertions to do so.' Mr. Jabat called on me the 27th, to say, that, in consequence of this correspondence, the King would shorten his stay at Sacedon, would come to Madrid on the 10th of August, and that the negotiation would be, by the 12th, before the Cortes. There is therefore every reason to hope, that all will be finished by the 20th. As so little time is to elapse before I shall have it in my power to say what has been done, I write hastily, intending, immediately after the determination of the Cortes, to forward copies of the correspondence, and a more formal statement of what has occurred and may occur."

Extracts of a letter from the same to the same, marked private, 27th August, 1820.

"My hopes of seeing the business of the Florida treaty definitively arranged by the 20th of this month, have been disappointed. The king did not come from Sacedon until the 12th. I was taught to expect an immediate movement in our affairs, but it was not made. Early last week I had an accidental interview with one of the ministers, Mr. Jabat, who told me the necessary papers were prepared,

and would be before the Cortes during the week. Yesterday morning, as nothing had been done, I called at the office of Mr. de Castro, to know what was the motive for delaying to present the subject to the Cortes. Mr. de Castro imputed it entirely to the press of important matters at home. He had just sent to ask the Cortes to designate the day and hour when he could lay before them, in the name of the king, the business of the treaty for the cession of Florida. Before I left the office, the Secretary of State was informed, that the Cortes would receive him immediately. At one o'clock yesterday, the Cortes had a secret session, and no doubt the proper communication was made. I still refrain, therefore, from sending you copies of the previous correspondence with this government, believing, that within a few days, I shall be able to give you the result of the deliberations of the National Cortes."

"With the expectation of giving you, in a very short time, the final resolution of this government, on the affairs of the treaty,

I am, dear sir, respectfully,

Your most obedient servant"

Extract of a letter from the same to the same, (No. 20,) 21st Sept. 1820.

"In a postscript, dated July 20, to my despatch of No. 19, I had the honor to acknowledge your No. 12, of the 25th of May. On the 21st I wrote to Mr. de Castro, who was at Sacedon with the king, a note, (copy marked No. 1.) His answer, (copy marked No. 2,) dated the 25th, was received on the 26th July. On the 27th I had a visit from Mr. Jabat, who called by the desire of Mr. de Castro. Mr. Jabat informed me that the king would shorten his stay at Sacedon; would be in Madrid on the 10th of August; that all the documents relating to the treaty of cession, and the late correspondence, would be presented by the 12th, to the Cortes, and he hoped all would be despatched before the 20th. For the reasons explained in my private letter of the 27th August, the necessary communication was not made to the Cortes until the 26th. The subject was referred to the Political Commission, who have not yet given to the Cortes the result of their examination of it. Mr. de Castro has uniformly assured me of his anxiety to have an immediate decision. He solicited a speedy decision when he presented the papers to the Cortes. Although I look daily for further information of the movements of that body, I am without the means to know, certainly, when they will be made."

Mr. Forsyth to Don Evaristo Perez de Castro, Secretary of the Despatch of State, &c.

MADRID, July 21st, 1820.

SIR: In the several conversations I have had with your excellency, on the relations of our respective governments, arising from the convention of 1819, I have expressed my conviction that, notwithstanding what has occurred, a prompt ratification of that instrument by Spain, accompanied by satisfaction for the injuries sustained by the United States, in consequence of its being heretofore withheld, would be accepted by my Government. I have now the instructions of the President, and am authorized to assure you that the immediate ratification by Spain of the convention of February, 1819, will be accepted by the President, subject to the advice and consent of the Senate of the United States.

Relying implicitly upon the assurances received, of the desire of this Government to terminate at once, and in the most amicable manner, the dispute with the United States; I with pleasure avoid the unpleasant task of remarking upon the disagreeable occurrences connected with this subject, since my residence near the person of his Catholic Majesty, or upon the surprise and disappointment felt in the United States, on the discovery of the object of the mission of General Vives, and the limited power granted to him. Your excellency is already apprised, that the Government of my country has been induced to delay acting decisively against Spain, by the extraordinary change in the constitution of this monarchy; a revolution without example in the history of the world—the admiration of the present, as it will be of every future age. The expectation that all differences between Spain and the United States, would be speedily and satisfactorily adjusted as soon as this Government was completely organized, on the principles of the change which had taken place, was the cause of this delay. The moment has arrived which will see this expectation realized or disappointed. His Catholic Majesty now sees in his capital the representatives of the people. The Cortes are in the full and tranquil exercise of the high and important duties confided to them, by the Constitution of the Spanish monarchy. I refrain from indulging the free expression of my congratulation to the King and to the nation, at the interesting events, of which I have been the witness. Were I to use the only language I am accustomed to use, that which truly expresses my sentiments, my motives might be misunderstood, or I should be accused of substituting the effusions of enthusiasm, for the offerings of diplomatic respect. I content myself, therefore, with the simple expression of my satisfaction at the situation in which this Government finds itself, as it affords the opportunity of bringing to its close the long protracted negotiation with my own country. The attention of the Cortes has been already called to this subject, and they have been informed by his majesty, that their intervention will be, under the pre-

sent system, necessary to its final settlement. This intervention cannot be too prompt, considering either the effect to be produced on the future relations between the two countries, or the time which has elapsed, not only since the signature of the convention, but since the expiration of the period at which the ratifications of it were, by express stipulation, to have been exchanged. The only questions presented for decision, are of a character that demand but little consideration. The principles which must regulate this decision, are so well known, as scarcely to admit a difference of opinion respecting them.

What are the obligations imposed upon Spain by the signature of the treaty, and the subsequent failure to ratify it? The obligation to ratify, is the inevitable result of the formation of a treaty, and can only be avoided, by shewing what in this case has never been asserted—that the negotiator who signed it, stipulated, in the name of his Government, what he was not authorized to stipulate. Upon the principles universally recognised, by the law of nations, it is beyond dispute, that the faith of the nation, once pledged by its monarch, having competent power, no change in the internal government can release it. The promise of the King once given to a foreign government, no subsequent engagement with his own subjects, or with other nations, can impair its strength. If these principles are true, the obligations consequent upon the failure to ratify, are unquestionable. The first of these, is the prompt ratification of the instrument; the second, an explanation of the causes justifying the *postponement*, to this time, of the ratification, or an atonement for the injuries resulting from it. In urging an immediate decision, I am specially instructed to add, that it is not the intention of the President to avail himself of the incidents of this negotiation, and of the principles of the laws of nations applicable to them, to fasten a hard and unequal bargain upon Spain. He has always considered and still views the treaty as highly advantageous to Spain, and would not now desire its ratification, if, in the *just* and reasonable estimation of Spain herself, it could be viewed in any other light.

The causes which have heretofore delayed this ratification, here present themselves for examination; but, for the reason already indicated, and from a desire to avoid all unpleasant and useless recollections, I shall not dwell upon them; it is enough that, however satisfactory they may have been made to appear to his Catholic Majesty, they do not justify, in the eyes of the United States, the course that has been pursued. But, even these causes, so far as the judgment of his majesty's minister in the United States can be relied upon, no longer present obstacles to the immediate and final decision of this affair. But, while the government of the United States is far from considering the delay which has taken place as justifiable, I am not instructed by the President to insist upon, or even to ask satisfaction, for the injuries occasioned by it. That this satisfaction has not been claimed by the United States, is to be imputed not to any doubt of their right to demand, or of the obligation of Spain to afford it, but has sprung from the desire to manifest, more clearly, the principles

of forbearance and moderation that have governed their march in this negotiation.

That it is not asked now, arises from sentiments towards the Spanish nation no one more truly than your Excellency can understand and appreciate.

What follows will, I trust, be found to be altogether unnecessary; nevertheless, it is incumbent upon me to say to your Excellency, that, if the determination of Spain to ratify the Convention of February, 1819, is not immediate, the claim to further satisfaction will be no longer waived; that, upon any future adjustment, the United States will insist upon an indemnity; that an additional provision will be indispensable for the existing claims of their citizens upon the Spanish government; and that the right of the United States to the Western boundary of the Rio del Norte, will be re-asserted, and never again relinquished.

I renew to your Excellency, whom may God preserve, the assurances of my perfect respect.

JOHN FORSYTH.

HIS EX. DON EVARISTO PEREZ DE CASTRO,

Secretary of the Despatch of State, &c. &c.

*Extract of a Letter from Mr. Forsyth to Mr. Adams, marked private,
21st September, 1820.*

“ Apprehensive that the decision of the Cortes on the business of Florida will not be made in time to enable me to give you notice of it before the meeting of Congress, I have thought it prudent to forward to you my despatch of this day’s date. You will see the grounds I had for believing that a speedy decision would be made, and that the decision would be what was desired by the President. Although the delay is apparently without motive, I have no reason to doubt that the decision, when made, will be what we have a right to expect. I saw Martinez de la Rosa, appointed to the political commission in place of Count Toreno, who was elected President of the Cortes, three days since. He told me the Secretary of State had pressed them to make an early determination, and that the report of the commission would be soon prepared. He acknowledged, at the same time, that he did not know the state of the business. Mr. de Castro, on Tuesday, expressed the greatest anxiety to have the affair arranged before the meeting of Congress; had directed General Vives to give you every assurance of the wish of the Government to satisfy us. It is true that the change in the head of the political commission accounts for a portion of this delay, and that the Cortes have been occupied by the consideration of questions apparently more pressing, as they related to the affairs of the Peninsula, and were connected with the public tranquillity; still, however, there has been ample time for the adjustment of this business

“ Mr. Onís has published a memoir on the negotiation between the United States and Spain, with a statistical notice of our country; a work that does little credit to his penetration or candor. He accuses us of ambition and avarice, and yet endeavors to shew that the treaty of cession of Florida ought to be considered as a treaty of exchange of Florida for Texas; a country more extensive, fertile, and valuable. I send you an extract from that part of the work which relates to the correspondence on the subject of the grants after the treaty was signed. In another part of the work he imputes the refusal to ratify, prior to August, 1819, to a belief that England would make use of the cession of Florida to us as a pretext to seize the Island of Cuba, and to a belief that we would occupy the territory by force, and by this means secure the donations to Alagon, Punon Rostro, and Vargas.”

[TRANSLATION.]

Don Evaristo Perez de Castro to Mr. Forsyth.

SIR : I have lost no time in laying before the king, my august master, the contents of your excellency's note of the 22d instant. His majesty has received, with the greatest interest and satisfaction, the information contained in the communication which you were pleased to make to me concerning the instructions which you had received from your government, and which are conformable to what has been communicated by the minister of Spain at Washington. You may be firmly persuaded, that the desires of this cabinet to see a prompt termination of the business left pending, by the non-ratification of the treaty of February, 1819, on the part of the king, are as lively and sincere as its will is decided; and, it is full of hope, that the decision of this subject will be satisfactory for both states, and apt to be found upon unalterable bases, the friendship which his majesty is desirous of preserving with the United States.

It being indispensable to hear the Cortes of the kingdom, before the king, my master, can take the final step which the President desires, and with which his majesty flatters himself to see the present dispute happily terminated, he has been pleased to command me to put this business in a state of being presented to the National Congress, so speedily, as that it may experience no more delay than may be absolutely indispensable to accomplish it. I have received this order with singular pleasure, as being so agreeable to my personal sentiments; and overcoming, by dint of activity, every impediment which might oppose the desired ready despatch of this important subject, through my recent entrance into this ministry, and the imperious necessity of my informing myself of its former and present state. I have the honor to assure you, that I hasten, and, if I may be allowed the expression, count the moments to present myself before the Cor-

tes with this business; it being my solicitude to give every activity to its resolution, and not to delay an instant the desired conclusion of the whole. In the mean time, his majesty has seen, with satisfaction, the sentiments which animate the President of the United States, an estimable proof that he has confidence in those of the king, my august master, and in the punctuality and good faith of the nation, happily regenerated by the new institutions, which cannot fail to designate in the acts of the government, that firm and loyal march, of which the noble Spanish character, and the wisdom of their representatives are the guarantees.

I avail myself of this occasion to reiterate to you the demonstrations of my great consideration; and I pray God to preserve you many years.

Your most obedient servant,

EVARISTO PEREZ DE CASTRO.

Sacedon, 25th July, 1820.

Mr. Forsyth to Mr. Adams, marked private, 5th October, 1820.

DEAR SIR: Three days since, the Political Commission made a report to the Cortes, and this day, in secret session, that body advised the king to cede the Floridas to the United States. They have also declared null and void the cessions of land to Alagon, &c. although the treaty of February, 1819, should not be ratified. I presume I shall receive from the minister of state, early information of the king's ratification of the treaty.

I am, dear sir, sincerely and respectfully,

Your obedient servant,

JOHN FORSYTH.

JOHN QUINCY ADAMS, *Secretary of State.*

Mr. Forsyth to Mr. Adams, (No. 21,) dated Madrid, 11th Oct. 1820.

SIR: On the 5th I had the honor to inform you, that the Cortes had authorized the king to cede the Floridas to the United States, according to the convention of February 22d, 1819. On the 6th I received from Mr. de Castro an official notice of the determination of the Cortes, and a request to be informed of the wishes of the American government, in regard to the 8th article, as I supposed, with a view to have the ratification of the king in such terms, as to prevent the necessity of any thing but the mere delivery of the treaty at Washington, when the ratifications are to be exchanged. A copy of his note is enclosed, marked No. 1. I replied on the 7th: a copy of my answer is marked No. 2. This answer I carried with me to the pa-

lace, it being court day. In the secretary of state's office, I received a message from Mr. de Castro, who was confined to his bed at home, requesting me to visit him. I went immediately, and carried with me my answer to his note. As he reads English with difficulty, he opened, but did not read it. His object appeared to be to ascertain, if I was authorized to make any stipulations about the 8th article of the treaty; or, if there was a probability of obtaining any stipulations in Washington, favorable to Spanish claimants, for injuries suffered from the United States. He said the Cortes had given the king authority to execute the treaty, and to set aside the grants of Alagon and Punon-Rostro; that of Vargas was out of the question, being subsequent to the 24th January, 1818. He spoke of the cession of Vargas as a fund for the payment of American claims on Spain; said the treaty was clearly in favor of Alagon and Punon-Rostro. The 24th of January was not assumed as an arbitrary date, but fixed upon on principle, by Mr. Onis, who, in his letter to Mr. Adams of the 10th of March, stated, after acknowledging he believed them to be posterior to the 24th January, that he would have insisted on their being admitted as valid, had he known them to be anterior. Mr. de Castro had no desire to procure any thing for such people as Alagon and Punon-Rostro, but thought it equitable that the United States should set apart a portion of this fund, increased by Spain's abandoning the literal import of the treaty, for the benefit of Spanish subjects. To all this I answered what was contained in my letter: I had no authority to make any stipulations. So far as regarded the government of the United States, the question was considered as settled. I begged him not to think of asking any thing at Washington; it could not be granted; might do injury; could not produce any good result. I reminded him, that the offer made in October, 1819, to the duke of San Fernando and Quiroga, the admission of the American declaration against the grant, was a condition upon which alone the ratification of the treaty by Spain could be admitted; and also of the declaration of General Vives, that, upon the subject of the grants, he was satisfied with the explanations given to, and received from, Mr. Adams, at Washington; and, that these donations were never insurmountable obstacles to the ratification of the treaty on the part of Spain. He replied, that this admission was on the supposition that the other explanations would be satisfactory. Satisfaction not having been received on the last and most important, the others might again be brought into view. He talked of the guarantee offered by Mr. Pinckney; of there being no provision in the treaty for Spanish claimants, as there was in that of 1802, and how desirable it would be if something could be procured for them, on the adjustment of this difficulty in the convention, an adjustment in which Spain gave up what was clearly secured to some of her subjects. I remarked to him, that the offer made by the instructions of the President, in July last, was made on the admission of General Vives, that there would be no demur respecting the grants. If these were brought again into question, my government was not bound by the offer then made. He said it ap-

peared somewhat unequitable, and hard to insist upon the alteration or modification of the treaty without any equivalent. To this I answered, that all he had urged might have been plausible if urged before the 22d August, 1819, but after the delays which had occurred, and the incidents of the negotiation, we thought we exercised a degree of unexampled moderation, agreeing to take the ratification on the terms originally agreed upon and understood between the two negotiators. We had some conversation on the mode of ratification by the king, to obviate all difficulty at Washington. I stated to him, that this, of course, was a matter, in which we would do whatever was agreeable to the Spanish government. The American declaration of the force of the 8th article, might be received by Spain; a declaration might be made by the king, declaring the sense in which his majesty understood it, or a joint declaration might be made. He proposed seeing me again on the following day, at twelve, in company with a confidential person, at the office, if he was able to go out, or in his room, if he was not; to which I consented. At parting, I pointed out to him in the published documents relating to the treaty, which I carried for the purpose, the declaration I was directed to present, by my first instructions; the instructions relating to it; the subsequent instructions modified, which came to me by the *Hornet*; and my offer to the duke of San Fernando and Quiroga, made in conformity with them. He said he would examine the papers; sketch something to shew me in our next interview; would despatch every thing with the greatest possible expedition, and send off a messenger to Washington.

On the 8th I saw him again, at his house, at twelve. He had with him the elder Heredia. The conversation was a repetition of that of yesterday. The only new idea expressed, was, that it was important to the new government, to gain credit by procuring some advantage in arranging the business of the treaty, and a suggestion that Mr. Onís would not have made the treaty in any terms but those in which the 8th article is expressed. To the first I replied, that the new government would deserve and receive all praise, for saving the country from the consequences of the impolitic steps of the old, and preserve the honor of the nation, by abandoning pretensions which injured its character. To the last, that this suggestion was altogether at variance with the declaration of Mr. Pizarro, with Mr. Onís' expressed willingness to give up the donations, and to the remark made to me by Mr. Casa Yrujo, "that he regretted that the grants had not been executed by name." Heredia urged, in the conversation, that the United States had in the treaty admitted it to be necessary to the king's honor, that the grants prior to the 24th January, 1818, should be preserved. This conclusion I positively denied: In allowing Mr. Onís to shape the 8th article, we did not become parties to the correctness or propriety of his opinions; on the contrary, in our opinion, the honor of the king was concerned to make void all donations made subsequent to the date of his full power to his negotiator to cede the Floridas. The conversation concluded by a formal request from Mr. de Castro, to know what my impressions were on this point, and whether they

could calculate on my good offices with my government, to procure some advantage to Spain, in consideration of its desire to gratify us in this business, and of the similarity of the institutions of the two governments. I gave him my thoughts without reserve, "that the ground which must be taken, was altogether untenable; that it would injure, could not benefit the Spanish government; that the United States would receive any intimations on this point, with surprise and regret. As for myself, with the strongest desire to do every thing to gratify this government, I could not say any thing to my own, in favor of pretensions I believed to be altogether unreasonable. Mr. de Castro said, that, in presenting the subject, it would be done in such a way, as to prevent any bad effect; turning to Heredia, he remarked, that it must be attempted at Washington. He concluded, by saying that, he should pass to me a note embodying what had been urged in our conversation, which he hoped I would answer in the shortest convenient time, as he was anxious to send off a messenger to the United States. This I promised, stating to him at the same time, the necessity of despatching his messenger at the earliest hour possible, as Congress would be in session before he could possibly arrive.

On recollection, I find I have omitted a remark, made by both Heredia and de Castro, that, according to my first instructions, as contained in the printed documents, I was authorized to exchange the ratifications, without insisting upon the declaration of the import of the 8th Article being received, that this exchange would have secured the claimants the large grants, which they might have recovered in the courts of the United States. To this I answered, that such were my instructions; but they were founded upon the belief, that the notice given to the Spanish Government, through Mr. Onis, rendered the declaration unimportant. That, certainly, if the treaty had been ratified by Spain, the question of the grants would have become a judicial, in place of a political one. But supposing, what I could not admit, that the tribunals of the United States could have decided in favor of the claimants; this decision would have been the foundation of a demand on Spain for an equivalent, or satisfaction. This conversation endured two hours. In this, as well as in that of the 7th, I am unable to give any thing but the substance, without regarding the order of what was said. My impressions are, that, after making all exertions to obtain some advantage, and failing, they will proceed on the business as they ought to have done without having made any exertion. What is most unpleasant, is, to perceive that the opinions of Mr. Onis, as expressed in his book, have weight with this Government, and that what is done, is rather a sacrifice to policy, than founded on a conviction of the justice and equity of our demands, or on a proper sense of our moderation and forbearance.

Late at night, on the 9th, I received Mr. de Castro's letter, of that day's date, the copy of which is marked No. 3, to which I replied on the day succeeding. The copy of the answer is marked No. 4. This reference to the affair of the grants is disagreeable, and will be altogether unexpected. After what has occurred, I cannot suppose the

Spanish ministry can hope to succeed in procuring any thing more at our hands. Perhaps the sole object is, to enhance the value of the ratification on their part. I am endeavoring to procure accurate information of all that occurred in the Cortes. My private letter of the 5th, is almost a literal translation of a note from one of the deputies; and I have been since informed, that the Cortes would not hear a petition from Punon Rostro, in relation to his claim, considering the whole affair at an end, by their previous decision on the treaty.

Shortly after the publication of Mr. Onis's book, I conceived that some of its statements were so injurious to us as to require examination, and proposed to publish a review of it, to be distributed among the members of the Cortes. The affair of the treaty came so soon under the consideration of that body, after I procured a copy of the book, that it was impossible to do more than to make a few hasty remarks upon it, and to have distributed five or six copies of a translation of them, among the principal members. A copy of this translation is sent to you, marked No. 5. No. 6, is the copy of an original paper received from ———, an extract from which, in cypher, was forwarded to you some time ago.

The Cortes have resolved, according to the constitutional provision, to continue their session until November.

At Night.

At 5, this afternoon, I received Mr. de Castro's letter, of this day's date, which I answered immediately. The copies of the letter and answer are marked No. 7 and 8.

This last letter confirms the conjecture I have made, that the object is, to enhance the value of what will be called the concession of Spain to the American construction of the 8th Article of the treaty. I regret extremely, that any thing has been said by the ministers of this Government on this topic, as it will have the effect of weakening, in some degree, the confidence, not so much as the uprightness of their intentions, as in the frankness of their mode of proceeding. No doubt something will be said by General Vives on this point, or, at least, he will formally communicate the letter of Mr. de Castro of the 9th. I shall send triplicates of this communication; one by Bordeaux, one by Gibraltar, and one by the Spanish courier, who carries the ratified treaty to the Spanish minister at Washington.

As soon as he is fairly out of Madrid, I shall think of using the permission of the President to return to the United States. Before I leave this, however, I shall have occasion to write to you again.

I am, sir, very respectfully,
Your humble servant,

JOHN FORSYTH.

JOHN Q. ADAMS,
Secretary of State.

Mr. De Castro to Mr. Forsyth, dated Madrid, 6th October, 1820.

[TRANSLATION.]

Mr. De Castro, Minister of Foreign Despatch, to Mr. Forsyth, Minister Plenipotentiary of the United States of America, at Madrid, (6th October, 1820.)

SIR: I have the honor to acquaint your excellency, that the Cortes of the Nation, in secret session, have authorized his majesty's Government to ratify the cession of the territory situated east of the Mississippi, which is known by the name of East and West Florida, to the United States, and that, consequently, there is no inconvenience in proceeding, on the part of the king, to the ratification of the treaty, concluded at Washington, on the 22d day of February, 1819.

His majesty would have immediately proceeded to command the ratification of the treaty to be extended, had it not been for the interference of the circumstance, that your excellency's Government, after confirming and ratifying, on its part, the said instrument, as the Plenipotentiaries, duly authorized by the high contracting parties, had extended it, manifested its desire to have some explanations or modifications in the text of the 8th article, which relates to the property of certain unoccupied and royal lands in both Floridas. This incident, or proposal of modification, made by the Government of the United States, which has contributed, in a great part, to the delay and difficulties which have occurred, might have rendered improper, at that time, and an event little agreeable to the American Government, a ratification extended in the usual form, which, relapsing upon the said instrument, with all and each of its clauses and articles, would, consequently, embrace those of the 8th article, referred to in the form in which it has been conceived. This being the case, and his majesty being desirous, conformably to the intention of the Cortes, that the ratification of the treaty should terminate, at once, all the differences which have, for so many years, existed between two Governments, whose interest, in a reciprocal good understanding, had been increased by the nature of their political institutions, has thought it necessary that, for extending the ratification, an explanation should precede, limited and circumscribed to the point of the modifications, which your excellency's Government requires to be in the text of the 8th article, since all the other articles present no difficulty, nor need any farther explanation in order to be ratified on the part of his majesty, according to their literal tenor. Your excellency's Government has indicated a desire of having a modification in the context of said article; and as for determining what ought to be, and what is, agreeable to the interest of both countries, it may be necessary to proceed, by common consent, I am desirous of knowing if your excellency is authorized to point out the modification and explanation, as I also am by his majesty, for the same purpose. If your excellen-

cy be so, we might, in a very few days, have this point settled, in a manner reciprocally satisfactory; and, in case of your not being so, I could desire, at least, that we had a conference, for the purpose of agreeing on the means by which this only obstacle may be removed, which might present itself to the exchange of the ratifications in Washington, if it should be remitted by his majesty, extended in the usual form, embracing all and each of the clauses of the 16 articles of the treaty confirmed at Washington, on the 22d of February of the past year, 1819.

I therefore renew to your excellency the assurances of my distinguished esteem, and pray God that you may live many years.

I am,

Your excellency's most obedient faithful servant,

EVARISTO PEREZ DE CASTRO.

At the PALACE, 6th October, 1820.

Mr. Forsyth to Mr. de Castro, dated, Madrid, 7th October, 1820.

SIR: I had the honor to receive yesterday, your excellency's officio, announcing to me, that the Cortes had authorized the Government of his majesty, to ratify the cession of the Floridas to the United States. In reply to the inquiry contained in it, I must refer your excellency to my letter of the 21st of July, in which I stated, by the instructions of the President, that, under the constitution of the United States, it would be necessary that the advice and consent of the Senate should again be given, before the exchange of ratifications of the treaty of the 22d February, 1819, could take place, inasmuch as the six months, within which it should have been made, had expired. I am not, therefore, authorized to do more than has already been done. Perfectly possessed, however, of the opinions and wishes of my Government, in relation to the 8th article of the treaty, I can give your excellency all the information that can be desired to prevent the possibility of any difficulty in the exchange of ratifications at Washington. In my official communication of the 2d of October, 1819, to the Duke of San Fernando and Quiroga, accompanied by the copy of a declaration to be delivered on the exchange of ratifications, should it be made, your Excellency will probably find all that it may be important to know. If these should not be sufficient, it will give me pleasure to confer with your Excellency at any hour it may be convenient for you to appoint. In expressing to your Excellency, the very great satisfaction, I have received from the near prospect of a most friendly termination of the disputes, which have so long unhappily agitated our respective Governments, I must take leave to add, that the United

States have never desired to change or modify any part of the treaty of 1819. Their sole object has been, and still is, to have it ratified upon the well known terms, and according to the acknowledged intentions, of the respective negotiators of it.

I renew to your excellency, whom may God preserve, the assurances of my most respectful consideration.

JOHN FORSYTH.

HIS EX. DON EVARISTO PERES DE CASTRO,
Secretary of the Despatch of State, &c. &c. &c.

[TRANSLATION.]

M. De Castro, Minister of Foreign Despatch, to Mr. Forsyth, Minister Plenipotentiary of the United States of America, dated at

MADRID, 9th October, 1820.

SIR: On the 6th current, I had the honor to communicate to your Excellency, that the Cortes had authorized his Majesty's Government to cede the Floridas to the United States; and, that in consequence of that act, no other obstacle presented itself against proceeding, on the part of the King, to the ratification of the treaty, confirmed at Washington, the 22d February, 1819, except, that which arose from the modification or explanation of the 8th article of the same treaty, solicited by the American Government after the confirmation, and even the ratification on its part, of the said agreement; adding that, if your Excellency were authorized, we could proceed to make the desired explanation, with regard to the object of said 8th article, in terms, agreeable to the interest of both countries, that we could terminate this business very soon, and that, by all means, I was desirous of a conference between us, in order to the removal of this only obstacle which could oppose the exchange of the ratifications in Washington. Your Excellency has had the goodness to reply to me, dated the 7th, complimenting me on the proximity of an order, that went to terminate the differences that had existed for so long a time between the two Governments; but, manifesting to me, at the same time, that, in consequence of the period fixed for the ratification of the treaty, by that instrument having been overrun, it ought again to be presented to the Senate of the United States, agreeably to the Constitution; by which circumstance, your Excellency had not powers to act in the negotiation, farther than you had done, although being perfectly instructed in the intentions of your Government, upon the said article of the treaty, you could furnish me with the necessary dates in regard to them, in the conference which we might have, and which we actually had on that day.

Both yesterday and before, I had the honor to point out to your Excellency the difficulties which opposed the explanation, or modification, demanded by the American Government, of the context of the 8th article, since, according to the literal and very explicit tenor of it, every donation or grant of lands in the Floridas, made by authority of his Majesty, prior to the 24th January, 1818, was declared valid or firm, at the same time, that every grant made after the said 24th of January, was annulled. It appeared, at the same time, that the determining of that date was not a casual occurrence, unpremeditated, and directed solely to mark one day or epoch, since then nothing could have been more obvious and natural than to have designated the first day of the same month of January, 1818, which was the beginning of the year; and it was distinctly considered, that the intention of the Plenipotentiaries was to establish a principle legal and justly expressed in the text of the same article, in continuance from the date, which it was to give for a foundation, that his majesty's Plenipotentiaries, on that day, solemnly offered the cession of the Floridas to the United States, in order to denote that it was then, and not before, when his majesty, by said offer, tied up his hands from making innovations in those territories, and when, by the same offer, the indisputable right, which, without that, enabled him to dispose the absolute property of any lands, belonging to his crown, was suspended. The tenor of this article was already, not only admitted and confirmed by the Plenipotentiaries, but also ratified by the American Government, jointly, with all the other articles which the treaty embraced, when the Secretary of State, Mr. Adams, thought fit to ask of Mr. Onís an explanation about the grants of land made by his majesty at the end of the year 1817, the validity of which appeared to have been recognised by the letter of the treaty, they being anterior to the 24th January, 1818, and upon which both Plenipotentiaries were supposed to have proceeded with a certain equivocation of the fact, having believed them posterior to the epoch mentioned. Mr. Onís, notwithstanding that all his functions and powers upon the subject had expired with the conclusion and confirmation of the treaty, did not refuse to give a firm proof of the good faith of his Government, and of his own, by frankly confessing, that, in fact, he had understood, that the grants of land referred to, were posterior to the 24th January, 1818, but added, at the same time, a circumstance worthy of notice, and perfectly conformable to the tenor of the 8th article, and it was, that, as the fixing of that epoch had been founded upon the principle, that the 24th of January, and not before, was the day on which, by means of the solemn offer of the Floridas, the indisputable power which his majesty before had of disposing of those lands, remained suspended, if he had known that all or any of said grants was anterior to the 24th January, he would have insisted upon the acknowledgment of such as were so, and would not have consented to their being annulled. Taking the first part of this declaration of Mr. Onís as a foundation, and feigning ignorance of the second, the American Government solicited, by means of your excellency, at this Court, that, to the ratification of the

treaty on the part of his majesty, an explanation should be added, which was fundamentally a real revocation of the literal context of the 8th article. The scrupulous good faith of his majesty's Government restrained it from entering upon a question about what wrong the equivocation, or, to speak more properly, the want of exact knowledge of a fact, authentic, solemn, and of more than a year's notoriety and publicity in a Supreme Council and Chancery of the Nation, could do to one who had had the means, and, in a certain degree, the necessity, of being informed of it with evidence; but two essential points did not cease to call the attention of his majesty; 1st. That, if any equivocation could have happened about the date of the grants, in order to their being a pure deed, it never could have been, nor was it in the recognition of the principle which served as a basis, and was the real foundation of the 8th article; that is, that the Spanish Government did not consider itself bound, nor did the American Government consider it bound, in the use of its right as absolute lord of the lands of Florida, unless by means of the offer made on the 24th January, 1818, and only from that epoch. That an essential equivocation could have been in this date, it was necessary to prove, that it was not that of the said solemn offer, since that was the module or symbol to which all the dates of the grants ought to be adjusted, and with which they ought to be compared, in order to decide upon their validity or nullity, and not to pretend, as had been pretended, to accommodate it to the others by altering that date inversely. 2dly. That if the American Government availed itself of, and founded its desires of an explanation upon, the former part of Mr. Onís's declaration, which in any way favored it, neither could it, in honor and good faith, reject the second part of that declaration, to constitute the whole one self-same act, and a single document. If Mr. Onís confessed the equivocation about the date of the grants, he also confessed that he would not have, for his part, subscribed to annul that which had taken place anterior to the 24th January. What will be inferred, then, in reality and sound logic, from that declaration, taken conjointly? Will it be an accident which had expressed the real, or at least the intentional connivance of both the plenipotentiaries, concerning the annulling of the grants referred to, which were anterior to the 24th January, as the American government pretends? An interpretation like this, is diametrically opposite, not only to the second part of the declaration of Mr. Onís, but even to the legal principle established in the same 8th article. All that can be inferred at most, was, and is, that the error into which both parties had run, about the substance of the 8th article, had rendered it null, invalid, and baseless; and that it was necessary to remodel it and agree upon something to the point by a new mutual agreement, and not by the way of a declaration or explanation which its context did not admit.

The question accidentally presented in this humble view, would not have been offered, nor given an opportunity for the many difficulties which have occurred. The grants made to Don Pedro de Vargas, could have been immediately separated, and, as being posterior to the

24th January, 1818, might have been declared the property of the United States, according to the letter and spirit of the article: and with regard to the other two, anterior to the said day, upon which grants the equivocation had relapsed, the liberal medium might have been adopted, which is generally used in doubtful cases, by yielding to each one a part of his claims, in compliance with a good understanding. But as this was not solicited by your excellency, and if the text of the 8th article, whose letter, and the principle which supported it favored Spain, might yet receive an interpretation diametrically oposite to the said letter, being founded for that purpose on a declaration of Mr. Onis, the second part of which, evidently resisted a similar interpretation, difficulties seemed easily to arise from hence, which with more or less foundation might be likewise converted into suspicions concerning the stability of the other articles of the treaty, on seeing the readiness with which doubts had arisen also concerning one, the literal tenor of which seemed less ambiguous. This disposition of the thoughts brought to recollection the offer of a guarantee of the Spanish possessions in North America, made by his excellency Mr. Pinckney, on the 7th of February, 1802, in the name of the United States, in case the Spanish government would consent to cede the Floridas to the United States for a sum to be stipulated; a guarantee which was not asked by the government of Spain, and yet offered in the name of that of the United States; but to which my government gave so much importance, that, if his offer had been renewed, it would have ceded in compensation any right over the grants of land, which remained by the 8th article of the Treaty; from these principles flowed, no doubt, the new mission of General Vives to the United States, and all the other incidents of which your excellency is informed.

The changes which happened a little afterwards in the Government of Spain, and the re-union of the national representation, have been the cause that the Government of his Majesty, complying with the provision of the Constitution of the state, should offer, to the consideration of the Cortes, all that has occurred in this long and complicated negotiation, for the purpose of obtaining their consent, as well as that the dismemberment of the Spanish territory, in America, might be discussed. It must have been a sensible grief to the representatives of the nation, in the first steps of their august functions, to be obliged to authorize a dismemberment of the territory: they have been solely guided by the consideration, that this sacrifice may be conducive to cement, upon a solid basis, the relations of friendship and harmony between Spain and the United States, by avoiding the causes of future discords, and establishing a fixed and permanent dividing line, which prevents all ambiguity and indecision for the future. Besides the reciprocal interests which ought always to unite the Governments of both countries, the great analogy which now actually exists between their political institutions, after the change that has occurred in those of Spain, appears to have given greater weight to that interest, and to have increased the importance of a good un-

derstanding. These, at least, are the dispositions which have produced the resolution I have mentioned, of the representatives of the Spanish nation: may they be answered with similar and reciprocal dispositions on the part of the Government and people of the United States, for the well-being of both nations! But, at the same time, that the Cortes and his majesty's Government, have rendered easy, even the most serious difficulty which the subject could present, they could not but direct their attentions to the reflections made known to your excellency, which have been expressed above, on the explanation which the American Government desired to give to the 8th article, diametrically opposite to its literal tenor, and to the principle or rule which is established in the same article. The Spanish Government does not pretend that it may not be firm and be executed as it is printed: its delicacy does not permit it to pretend ignorance of the equivocation committed, which the declaration of Mr. Onis lays open, sufficiently, in its first part; but this equivocation does not destroy the principle which serves as the basis for the formation of the article to which the second part of the declaration of the same Mr. Onis, is evidently referred. It cannot be agreeable to the honor and the good faith of the American Government, to take advantage of that part of the declaration of the said minister, or of any act or instrument which it may find useful, in order to tie it down and quote it in its favor, and to pretend not to understand that which does not favor it in the same instrument. No impartial person, who examines the 8th article, and the declarations of Mr. Adams and Mr. Onis, will see in the whole of it, any thing else, but that, by the involuntary error which has intervened, there has not been a real contract or agreement upon the point of the waste lands; and that, if there is any thing existing in the article, it is the rule or principle of leaving untouched what the King did, when his hands were not bound by means of the offer of the 24th January, 1818.

In this case, then, it appears, that harmony, the desire of peace, the honor of both Governments, and the necessity of repairing an equivocation that had passed their Plenipotentiaries, dictate that middle path, which is proper in doubtful cases and questions of this nature. The grants made to Don Pedro de Vargas, may remain immediately in favor of the United States; because, inasmuch as they are posterior to the 24th January, 1818, they are excluded by the letter, and by the spirit of the 8th article; and those, respectively, to Alagon and Punon Rostro, which, as anterior to the 24th January, 1818, constitute the real point of the doubt, may be divided by equal parts, or by the mode which may be agreed upon by the Spanish and American Governments. His Majesty, agreeably to the intentions of the Cortes, is desirous of being able to make a better exchange of property, by applying one part of this fund to the redress and indemnification of the Spaniards injured, and comprehended in the agreement of 1802, whose indemnification was at the charge of the American Government, even whilst the treaty was not ratified, and whose lot was entirely unattended to by the Plenipotentiaries of 1819. The American Government, and Congress, so jealous of the interests of

their fellow-citizens, can do no less than applaud these correct intentions of the King and the Representatives of the Spanish people, towards their own people. On the other hand, it would appear very indecorous, that the Cortes, in the commencement of their august functions, should not only have to authorize the dismemberment of the territory, but also to assent, that a doubtful act, which was in favor of Spain, (the letter of the article and the foundation on which it is supported) should be explained in a sense diametrically opposite to its tenor, and that upon the basis of a declaration of the Spanish minister, truncated and disregarded in its second part.

If the means hinted had not been thought admissible, there still remained another, equally conformable to the spirit and to the letter of the treaty. All the waste lands of the Floridas, including the three grants of Vargas, Alagon, and Punon Rostro, may be valued according to the prices of lands of their class in the bordering territories of the United States; the amount of five millions of dollars may be deducted from their value, in which the same treaty adjusts, and with which the American government obliges itself to satisfy the amount of the claims; and the surplus may be declared to belong to Spain, because it can liquidate the indemnifications of its subjects, for which the United States are responsible, by the agreement of 1802, which continues in force whilst the treaty is not ratified. It may be objected that the claims exceed the sum agreed upon; but it ought also to be considered, that, even to this day, an examination and liquidation of such claims has not taken place; and that, if the agreement of 1802, and the mixed tribunal established by it, had been carried into effect, perhaps the claims admitted and approved of by the mixed Spanish and American tribunal might not have amounted to said sum, especially if the fifth commissary chosen by lot had been of the nation which was bound to pay them; so that, on the whole, five millions of dollars being the sum which the treaty fixes, and there having been, even to this day, no examination nor liquidation of individual claims, this sum, and no other, is that which legally represents the amount of said indemnifications.

Such have been the reflections and observations which I have had the honor of making to your excellency in our two conferences, by order of his Majesty, conformably to the intentions of the Cortes. By these, and by all besides, which I have had the honor to point out by word, your excellency will have come to the knowledge of his Majesty's resolution to terminate entirely the subjects pending, by means of a prompt exchange of the ratifications of the treaty. I have been very sensible that your excellency has not been authorized to agree to the explanation which the 8th article requires, but I am assured of the candor, good faith, and spirit of conciliation, which animate your excellency, that you will present to your government the observations referred to, in regard to the only point upon which an explanation is desired by both parties, that, at the time of Gen. Vives' presenting the ratification of the treaty on the part of his Majesty's government, which it is about to send, an explanation may be presented and submitted, of the sense of the 8th article, in the terms of equity and reci-

procal satisfaction which I have hinted, or others equivalent, such as the good faith and the honor of both governments dictate. The King, and the representatives of the Spanish nation see, in this honorable and impartial explanation, the beginning of a new order of political relations, which, by tightening the bonds of friendship between both nations, present the most sure guarantee of their union and prosperity in future.

I renew to your excellency the assurances of my most exalted and distinguished consideration, and pray God that your excellency may live many years. At the Palace, 9th October, 1820.

Your obedient humble servant,

EVARISTO PERES DE CASTRO.

Mr. Forsyth to Mr. De Castro.

MADRID, Oct. 10, 1820.

SIR: I had the honor, late last night, to receive your Excellency's officio of the 9th. From our two conversations, previously held, and from your letter, embodying the substance of what was suggested and urged in those conversations, I learned with concern, that I had mistaken the object and intention of the note of the 6th instant. I supposed it intended merely to enable your Excellency to determine on the most convenient mode for the ratification of the Convention of February, 1819, by his Catholic Majesty, to prevent any discussion or delay, preceding the exchange of the ratifications at Washington. It was with unfeigned surprize and great regret, that I discovered, that the object was to bring again into view, what is considered by the government of the United States as no longer a subject of discussion with that of his Majesty. In the verbal communications I have made in our two conversations, my intention was, *solely*, to prevent, if possible, any further attempts to discuss this matter, satisfied that no advantage could be derived from a reference to a topic of such an unpleasant character. As I have had the misfortune not to produce this desired effect, I do not think myself authorized to enter into any further investigation of the subject. I shall communicate to my government, the notes received from his Majesty; and such replies will be given to General Vives, as the case may require. But I cannot take leave of the subject, without stating, explicitly, that the official communication made to your Excellency, on the 21st July, was framed and bottomed upon the admission of Gen. Vives, that he was satisfied with the explanations given at Washington, on the subject of the 8th article of the treaty, and that it was the determination of his government to assent to the total nullity of the large grants. If this admission was unauthorized, the offer of the President I had the honor

to communicate to his Majesty, through your Excellency, is not obligatory upon the United States; the whole ground of dispute is open for re-examination; and the original claims and pretensions of my government will be reasserted and maintained.

Although beyond my duty, I cannot forbear to remark to your Excellency, that a great error is committed, in supposing the construction put on the 8th article, by the United States, is founded altogether upon the declaration given by Mr. Onís, after the signature of the treaty. This construction is taken from the instrument itself, explained and elucidated, as all instruments must be, by the intention of the parties, and the nature of the subject-matter of it. Mr. Onís's letter of the 10th October, is no further of importance, than as a simple evidence to all nations, and to his Catholic Majesty, of the act and intention of his minister, to annul the large grants, and the express recognition, by him, of the correctness of the assertion of the American negotiator, that the phrases supposed to be equivocal, were admitted, *only upon the condition* that the annulment of those grants was not affected by the use of those favorite phrases. The qualifying addition to Mr. Onís's frank declaration of what he believed and understood, amounts to nothing more than an assertion, that the treaty would not have been agreed to, without a recognition of such of the large grants, as were of a date prior to the 24th January, 1818, an assertion altogether at variance with the declarations of Mr. Pizarro to Mr. Erving, that these donations would not be obstacles to the treaty, contradicted by Mr. Onís's perfect readiness to annul them, and by the reasons he assigned for it, "that the essential conditions of them had not been complied with," and altogether irreconcilable to a remark made to me in person, by the Marquis of Casa-Yrujo, when minister of state ad interim, "that he regretted the large grants had not been particularly named in the treaty, and their annulment expressly stipulated."

From an anxious desire to see buried in oblivion, all recollections unfavorable to the perfect harmony between Spain and the United States, in closing this note, I would entreat his Majesty's government to re-examine this whole subject before it is again pressed: To reflect, that all that has occurred has arisen from a reliance on the information and good faith of the minister, and confidence in the purity of the government of Spain. The Duke of San Fernando stated, that the American government wished to change the 8th article, by a declaration, a copy of which I had enclosed to him. Your Excellency now tells me, the wish of the American Government is diametrically opposed to the literal text of the treaty, inasmuch as Alagon's and Punon Rostro's grants are of a date prior to the date fixed in the 8th article. The Duke of San Fernando refused, as inconsistent with the honor of the King, to order me copies of those donations. What would your Excellency think, were I to say to you, "Sir, I do not know that your assertion is true; shew me the donations!" If the Duke of San Fernando and Quiroga thought his general assertion, that the declaration changed the treaty, was so full that further infor-

mation could not be asked without reflecting upon his Majesty's honor, what would be the reply to a doubt of the correctness of your Excellency's unqualified, deliberate and explicit assertion? Yet, in relying upon the information and the word of Mr. Onís, the United States had the same reason to confide, as they now have in the assertion made by your Excellency, unless it should be supposed that there is a difference in the degree of confidence due to the representative of Spain at home and abroad. I feel, however, that I am treading upon the yet warm ashes of a previous unprofitable controversy, and exceeding the limits to which, at the outset, I proposed to confine myself.

I hasten, therefore, to assure your Excellency, that the United States wish nothing but what they believe to be just and equitable; what is equally honorable to Spain and to the United States; nothing inconsistent with the decorum and glory of his Catholic Majesty, or with the duties and obligations of the Cortes, by whose advice and authority, the treaty of February, 1819, is to be ratified.

I renew to your Excellency, whom may God preserve many years, the assurance of my perfect respect.

JOHN FORSYTH.

His Ex'y Don EVARISTO PERES DE CASTRO,

Secretary of the Despatch of State, &c. &c. &c.

[TRANSLATION.]

Mr. De Castro, Minister of Foreign Despatch, to Mr. Forsyth, Minister Plenipotentiary of the United States of America, at Madrid, (11th October, 1820.)

SIR: I have received your Excellency's note, of yesterday's date, in which you seem to agree with mine of the 9th. In said note I proposed to myself to recapitulate, and send to you, all the essentials of the controversies which we had on the two antecedent days, not with the view, which your excellency appears to have apprehended, of commencing new discussions, incompatible with the desire which animates his majesty of seeing all the points which have been the object of the treaty speedily terminated, but with that of agreeing here with your excellency upon the proper terms of extending the explanation, or declaration of the 8th article, in a mode satisfactory, and such as that the exchange of the ratifications might not experience any obstacle or inconvenience at Washington.

On a view, therefore, of what your excellency had the goodness to express in the said conferences, and of what you manifested in your said note of yesterday, I confine myself to secure that which was con-

tended for in the ratification on the part of this Government, which will be sent back to the United States, in terms which will be, no doubt, satisfactory to the American Government, and which avoid the discussions which your excellency seems to fear, to ascertain that neither the tenor of our conferences, nor that of my said note, are intended for this object, which inspires your fear.

If your excellency should please, in order to forward despatches to your government, to avail yourself of the opportunity of a courier, who must be despatched, as soon as possible, with the ratifications and packets for Gen. Vives, you may begin to prepare them immediately, in expectation of which, I shall again give you information some hours before the departure of the courier.

I renew to your excellency the assurances of my high consideration, and pray God that you may live many years.

I am, your obedient and humble servant,

EVARISTO PERES DE CASTRO.

At the PALACE, 11th October, 1820.

Mr. Forsyth to Mr. de Castro.

MADRID, October 11, 1820.

SIR: I have received, with great satisfaction, your Excellency's note of this day's date. If I have misapprehended the object in our conferences, and the tenor of the note of the 9th, your Excellency must do me the justice to impute it to my imperfect knowledge of the Spanish language and to my anxiety to comply with your Excellency's request to give an immediate [answer] to the note.

I shall, with pleasure, use the occasion you have offered to me, of sending despatches to my Government, by the Spanish courier. A messenger will go from this legation to the United States the close of the present week; should your Excellency have any thing to send to Gen. Vives, it will gratify me to forward it by this opportunity.

I renew to your Excellency, whom may God preserve many years, the assurance of my most distinguished consideration.

JOHN FORSYTH.

HIS EX. DON EVARISTO PERES DE CASTRO,

Secretary of the Despatch of State, &c. &c.

[EXTRACT.]

Mr. Forsyth to Mr. Adams, marked "private."

MADRID, October 12, 1820.

DEAR SIR: "I have this moment learned, that the Cortes, in authorizing, by an almost unanimous vote, the ratification of the treaty,

and annulling the donations, at the same time recommended to the ministers to *endeavour* to procure some advantages to the nation on account of the difficulty about the 8th Article. With this recommendation the ministers must comply, even although they may be satisfied the effort will be useless. The attempt once made and failing, the affair will proceed to its proper conclusion without further trouble."

I am, Dear Sir, very sincerely,

Your obedient servant,

JOHN FORSYTH.

Hon. JOHN QUINCY ADAMS,
Washington.

Mr. Forsyth to Mr. Adams, marked "private," dated

MADRID, *October 15th, 1820.*

DEAR SIR: In great haste, I send you a rough copy of a note from Mr. de Castro to Count Bulgary, of this day's date. I believe the Count Bulgary has enclosed, in the accompanying letter to Mr. Poletica, a copy of the same paper.

I had, on the 14th, a short conversation with the Spanish minister, which served to confirm the opinion expressed in my private letter, of the 12th instant.

I am, dear Sir, respectfully,

Your obedient servant,

JOHN FORSYTH.

Hon. J. Q. ADAMS,
Secretary of State.

The Spanish Minister to the Chargé d'Affaires of Russia.

[TRANSLATION.]

MADRID, *15th October, 1820.*

SIR: His Majesty's government, having given information to the Cortes of the nation, concerning the existing differences with the United States of America, resulting from the treaty entered into between Spain and that power, on the 22d of February, 1819, and not rati-

fied by the king, in order that the legislative power might authorize his Majesty to cede the two Floridas, as is stipulated in one of the articles of said treaty, and grant power to proceed, consequently, to the ratification of it, which his Majesty has thought fit to do; and the Cortes having resolved to give to the government the authority required, carries into effect the ratification.

His Catholic Majesty, to whom are evident the good offices of his Majesty the Emperor of all the Russias, at several stages of the negotiation with the American Government, proving his august and friendly solicitude in favor of Spain, discharges the grateful task of communicating to the cabinet of his Imperial Majesty the flattering state in which this affair is, and the resolution of his Majesty to ratify the treaty mentioned, which will produce the re-establishing of that perfect harmony between Spain and the United States, which it is of so great importance to both powers to maintain without the least shadow of discord.

With this motive, the king rejoices to repeat to his august friend, the Emperor of all the Russias, the esteem and gratitude with which, on all occasions, he has seen his Imperial Majesty take the most distinguished interest in the prosperity of his Majesty, and that of his people, &c.

[Signed by the Spanish Minister and addressed to the Chargé de Affaires of Russia.]

Extract of a Letter (No. 22,) from Mr. Forsyth to Mr. Adams.

MADRID, October 24, 1820.

"The delay of the departure of the Spanish messenger enables me to give you copies of my correspondence with Mr. de Castro, subsequent to the decision of the Cortes on the cession of Florida, in regard to the execution of the convention of February 22d, 1819. No. 1 is a copy of my note calling the attention of the Spanish minister to the provisions of the first and seventh articles of the treaty. I saw Mr. de Castro on Saturday. He had received my letter: the propriety of issuing the order suggested in my note, had not escaped him, and he would send, as I requested, a copy of it as soon as it was made. To-day I received his answer, with a copy of the order to which it refers. Copies are marked No. 2 and 3."

Mr. Forsyth to Mr. De Castro.

MADRID, 17th October, 1820.

SIR: By the 7th article of the convention of the 22d February, 1819, the ratification of which is preparing on the part of His Catho-

lic Majesty to be sent to General Vives at Washington, it is stipulated, that the officers and troops of His Majesty shall evacuate the Floridas within six months after the exchange of ratifications, or sooner, if possible, and shall give possession of them to the officers or commissioners of the United States, who may be properly authorized to receive them. Calculating on a speedy exchange of ratifications, I would suggest, if it has not already occurred to your excellency, that it would be extremely convenient, if the order of His Majesty, for the evacuation and delivery of the territory, as also the archives and documents relating to the sovereignty and property of the same, should go to General Vives with the ratified treaty, to be forwarded to the proper authority on the exchange of ratifications; as, by these means the United States would have timely notice to prepare the escort and transports to carry the officers and troops of His Majesty, and their equipage, to the Havana, in conformity with the obligation of the said article. I should be pleased to be enabled, by the politeness of your excellency, to furnish to my government a copy of this order, if His Majesty's government should send it to General Vives.

I seize with avidity every occasion to offer to your excellency, whom may God preserve, the assurance of my distinguished respect.

JOHN FORSYTH.

[TRANSLATION.]

The Minister of Spain to Mr. Forsyth.

SIR: I have received your esteemed note of the 17th current, in which you say that you have taken the liberty of suggesting to me, in case it should not have already occurred to his majesty's Government, that it would be extremely convenient, if the order of his majesty for the evacuation and delivery of the Floridas, and of the archives and documents relating to the sovereignty and property of those provinces, should go to General Vives with the ratification of the treaty, that it should be sent, at the same time, to the proper authorities, in order to be transmitted after the exchange of the ratifications; and that it would be very agreeable to your excellency to have it in your power to send a copy of said order to your government, if his majesty should transmit it to General Vives, and should find no inconvenience in granting it.

The idea had occurred to his majesty's Government, as it could not fail to do of transmitting General Vives the proper order for the delivery of the Floridas, and whatever else is stipulated in the 7th article of the treaty of the 22d February, 1819, in order to be forwarded to the proper authorities, after the exchange of the ratifications. Estimating, as it deserves, your excellency's suggestion, produced, no doubt, from desire of connecting more closely the relations of ami-

ty and good understanding between Spain and the United States, by removing every obstacle or distant incident which might retard so desirable an object; and cheerfully acceding to the desire which your excellency has manifested to me of obtaining a copy of the order which may be sent to the proper authority for carrying into effect the 7th article of the treaty, I have the honor of enclosing to you a copy of that which is addressed to the Captain General of the Island of Cuba, through the medium of General Vives, in order that he may make use of it immediately after the exchange of the ratifications has been certified.

In all to-morrow an extraordinary courier will go to convey the despatches of the Government to his majesty's minister in the United States; and I have the satisfaction of giving your excellency this advice before hand, that you may, if you please, forward any packets to your Government by this opportunity, in which case, I hope you will have the kindness to send me them by two in the afternoon of to-morrow, the 25th current.

I renew to your excellency the assurances of my distinguished consideration, and pray God that you may live many years.

Your most humble and obedient servant,

EVARISTO DE CASTRO.

PALACE, 24th October, 1820.

Translation of the Royal Order of the King of Spain, to the Captain General and Governor of the Island of Cuba, and of the Floridas.

October 24, 1820.

Ferdinand the Seventh, by the grace of God, and by the Constitution of the Spanish monarchy, King of the Spains—to you, the Captain General and Governor of the Island of Cuba, and of the Floridas: Know you, That, by a treaty concluded in the City of Washington, on the twenty-second of February, of the last year, one thousand eight hundred and nineteen, by Plenipotentiaries duly authorized, for the purpose of arranging the differences which have existed between the Government of Spain and that of the United States of America, and the limits of their respective territories. there was stipulated, on the part of Spain, the cession to the United States, of all the country situated east of the Mississippi, known by the name of East and West Florida; the adjacent Islands dependent upon the two Floridas, being comprehended in said cession, together with all public lots and squares, vacant lands, public edifices, fortifications, barracks, and other buildings, which are not private property, with the archives and documents which relate directly to the property and sovereignty of said provinces; it being provided, at the same time, that the inhabitants of the territories so ceded, shall be secured in the free exercise

of their religion, without any restriction; and that all those who may desire to remove to the Spanish dominions shall be permitted to sell or export their effects, at any time whatever, in order that they may better effect their purpose, without being subject, in either case, to duties; and that those who prefer remaining in the Floridas shall be admitted, as soon as possible, to the enjoyment of all the rights of citizens of the United States; it being added, by another article of the same treaty, that the Spanish officers and troops shall evacuate the said territories ceded to the United States, six months after the exchange of the ratification of the same treaty, or sooner, if possible; and shall give possession of them to the officers or commissaries of the United States, duly authorized to receive them; and that the United States shall provide the transports and escort necessary to convey the Spanish officers and troops, and their baggage, to the Havana. And I, having considered and examined the tenor of the articles of the treaty, after having obtained the consent and authority of the General Cortes of the nation, with respect to the said cession, have thought proper to approve and ratify the treaty referred to, the ratification of which must be exchanged at Washington with that which was formed by the President of the United States, with the advice and consent of the Senate, of the same: after which exchange, the said treaty will begin to be obligatory on both Governments and their respective citizens; therefore, I command you, and ordain that, after the information, which shall be seasonably given you by my Minister Plenipotentiary and Envoy Extraordinary at Washington, of the ratifications having been exchanged, you proceed, on your part, to make the proper dispositions, in order that, at the end of six months, counting from the date of the exchange of the ratifications, or sooner, if possible, the Spanish officers and troops may evacuate the territories of both Floridas, and that possession of them be given to the officers or commissaries of the United States duly authorized to receive them, in the understanding, that the United States shall provide the transports and escort necessary to convey the Spanish officers and troops and their baggage to the Havana. You shall arrange, in proper time, the delivery of the Islands adjacent and dependent upon the Floridas, and the public lots and squares, vacant lands, public edifices, fortifications, barracks, and other buildings, which are not private property; as, also the archives and documents which relate directly to the property and sovereignty of the same two provinces, by placing them at the disposal of the commissaries or officers of the United States, duly authorized to receive them, and all the other papers and the effects which belong to the nation, and which have not been comprehended and mentioned in the expressed clauses of the cession, you shall have conveyed and transported to another part of the Spanish possessions, which may be most convenient for the public service. As also, you shall take care that, previous to the delivery, it may be made known by edicts to all the present inhabitants of the Floridas, that they have power to remove to the Spanish territories and dominions, the

sale or exportation of their effects being permitted to them by the United States at any time whatever, without being subject to duties; and, also, the advantages stipulated in favor of those who shall prefer to remain in the Floridas, to whom I have wished to give this last proof of the protection and affection which they have always experienced under the Spanish Government. Of the delivery which you may make, or may be made by your delegation, in the form which has been expressed, you shall make, or cause to be made, a corresponding receipt, duly authenticated, for your discharge; and, in order that you may proceed with entire knowledge in the execution of this commission, there shall be likewise sent to you, by my Minister Plenipotentiary at Washington, an authentic copy of the treaty referred to, of the twenty-second of February, one thousand eight hundred and nineteen, with the insertion of the ratifications of both parties, and of the certificate relative to the exchange of the same: of which documents, and of this my Royal Order, you shall send a copy, in authentic form, to the Governors of both the Floridas, and to the person or persons who may have, in your name, the accomplishing of the delivery, if it have not been made by yourself.

All which you shall well and completely execute, in the form which I have prescribed to you, agreeably to the public service: advising me of your having executed it through my under-written Secretary of Despatch of State.

Given at Madrid, the twenty-fourth of October, one thousand eight hundred and twenty.

Mr. Adams to General Vives.

DEPARTMENT OF STATE,

Washington, 28th February, 1821.

SIR: I have submitted to the consideration of the President of the United States the observations, which, in conformity to the instructions of your government, were verbally made by you, in the conference which I had the honor of holding with you, when you notified me of your readiness to exchange the ratifications of the treaty of 22d February, 1819, between the United States and Spain.

With regard to the omission on the part of the Spanish negotiator of the treaty, to insist upon some provision of indemnity, in behalf of Spanish claimants, to whom a pledge of such indemnity had been stipulated by the previously ratified convention of 1802, an omission stated by you to have been peculiarly dissatisfactory to the Cortes, I am directed to observe, that, as in all other cases of the adjustment of differences between nations, this treaty must be considered as a compact of mutual concessions, in which each party abandoned to the

other some of its pretensions. These concessions on the part of the United States were great; nor could it be expected by the Spanish nation, that they would be obtained without equivalent. Probably the Spanish negotiator considered the claims of Spanish subjects embraced by that convention, as so small in amount, as scarcely to be worthy of inflexible adherence to them. He certainly considered the whole treaty as highly advantageous to Spain; a sentiment in which the government of the United States always entirely participated, and still concurs.

This also furnishes the reply which most readily presents itself, to the proposition which you have also been instructed to make, that some compensation should be allowed by the United States, for the benefit of the grantees of lands recognized by the treaty, to have been null and void. While appreciating in all its force the sense of justice, by which after the maturest deliberation and the fullest examination, the Cortes have declared that those grants were, so as at the signature of the treaty they had been clearly, explicitly, and unequivocally understood to be, by both the plenipotentiaries who signed it, the President deems it unnecessary to press the remark which must naturally present itself, that, to grantees whose titles were in fact null and void, and by all parties to the negotiation were known to be null and void, no indemnity can be due, because no injury was done.

Nor can it be admitted, that this is one of the cases of misunderstanding, from which the grantees could be entitled to the benefit of a doubtful construction. The construction of the article was in no wise doubtful. For any construction which would have admitted the validity of the grants, would have rendered impossible the fulfilment of other most important stipulations of the treaty.

The discussion of this subject having already been a subject of correspondence between the minister of foreign affairs of your government, and Mr. Forsyth, could now be continued to no profitable purpose. I take much more satisfaction in assuring you of the pleasure with which the President has accepted the ratification of the treaty, as an earnest of that cordial harmony, which it is among his most ardent desires to cultivate, between the United States and Spain. This disposition, he cherishes the hope, will be further promoted, by the community of principle upon which the liberal institutions of both nations are founded, and by the justice, moderation, and love of order, which they combine with the love and the enjoyment of freedom.

I pray you, sir, to accept the assurance of my distinguished consideration.

JOHN QUINCY ADAMS.

General Don FRANCISCO DIONISIO VIVES,

Envoy Extraordinary and Minister Plenipotentiary from Spain.